

17940. Misbranding of Vicko. U. S. v. 12 Boxes of Vicko. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25408. I. S. No. 5720. S. No. 3674.)

Examination of samples of a drug product, known as Vicko, from the herein-described lot having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On December 3, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 boxes of Vicko, alleging that the article was in possession of Manuel Marin & Co., Mayaguez, P. R., and was being sold and offered for sale in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it was an ointment with a petrolatum base containing menthol, eucalyptol, thymol, and camphor.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing on the carton label and in the accompanying circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton, translated from Spanish) "For Headache, Catarrhs, Grippe, Influenza, Etc.;" (circular, translated from Spanish) "Very efficacious when used in cases of nasal catarrhs, catarrhs in the chest and other affections of the throat * * * For nasal catarrhs, bronchitis and pneumonia place a little Vicko * * * Vicko will produce some agreeable vapors that will cure all the affections of the respiratory tract. For nasal catarrhs * * * apply over the inflamed part; if for pneumonia or bronchitis, over the chest."

On January 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17941. Adulteration of ether. U. S. v. 49 Half-pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25647. I. S. No. 11682. S. No. 3931.)

Samples of ether from the herein-described shipment having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On January 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of forty-nine ½-pound cans of ether, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Mallinckrodt Chemical Works, from St. Louis, Mo., on or about June 18, 1929, and transported from the State of Missouri into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia.

On January 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17942. Misbranding of Kal-Kreo-Fen. U. S. v. 8 Dozen Bottles, et al., of Kal-Kreo-Fen. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25601. I. S. No. 5730. S. No. 3879.)

Examination of samples of a drug product, known as Kal-Kreo-Fen, from the herein-described lot having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On January 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight dozen small-sized bottles and 28 large-sized bottles of Kal-

Kreo-Fen, alleging that the article was in possession of the Drug Co. of Porto Rico (Inc.), San Juan, P. R., and was being sold and offered for sale in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a calcium compound, creosote, phenol, iodides, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label, translated from Spanish) "Reconstructive Tonic * * * For The treatment of Coughs, Catarrhs * * * Bronchitis and Affections Broncho-Pulmonary in general;" (carton, translated from Spanish) "For the treatment of Cough, Catarrhs * * * Bronchitis and Broncho-Pulmonary Affections in general;" (cartons, English) "Tonic Reconstructive * * * For the Treatment of Coughs * * * Tightness and Soreness of the Breast and Broncho-Pulmonary Affections."

On February 4, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17943. Misbranding of Vial's phenic syrup. U. S. v. 25 Bottles of Vial's Phenic Syrup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25574. I. S. No. 5727. S. No. 3827.)

Examination of samples of a drug product, known as Vial's phenic syrup, from the herein-described shipment having shown that the labels represented it to possess certain curative and therapeutic properties which in fact it did not possess, and that it was represented to be an antiseptic, whereas it was not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On January 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 bottles of Vial's phenic syrup at Aguadilla, P. R., alleging that the article had been shipped by E. Fougere & Co., New York, N. Y., to Porto Rico, on or about October 3, 1930, and that it was being sold and offered for sale by Jose Ferrari, Aguadilla, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of phenol, morphine hydrochloride (0.02 grain per fluid ounce), sugar, and water.

It was alleged in the libel that the article was misbranded in that the statements appearing in the circular accompanying the article, namely, "By its antiseptic properties" and "The antiseptic properties of this Syrup," were false and misleading, since the said article was not antiseptic. Misbranding was alleged for the further reason that the following statements appearing on the bottle label and wrapper and in the circular, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle and wrapper) "Vial's Syrup is indicated in the treatment of Bronchial Affections, Catarrh, Asthma * * * Influenza, Whooping Cough, Hoarseness, Loss of Voice, etc. [similar statements in French];" (circular, English) "Vial's Compound Phenique Syrup. Indicated in the treatment of Bronchial Affections, Catarrh, Asthma, * * * Influenza, Whooping Cough, Hoarseness, Loss of Voice, etc. Phenique Acid is one of the active principles of tar so long employed for chest diseases, * * * It rapidly reduces the excess in the secretions of the respiratory organs and renders them sterile; * * * by its antiseptic properties speedily tends to remove that offensive taste and odor occasioned by the mucous secretions which have remained for a time in the large bronchial tubes or their ramifications, and more especially in the pulmonary caverns of consumptive patients. * * * valuable in catarrh affections generally, but particularly in those of the bronchial tubes. The antiseptic properties of this Syrup place it in the first rank in acute Bronchitis, Asthma, * * * Influenza, Granulation in the Throat, Hoarseness, and affection of the Voice, etc. The effect is as efficacious as it is rapid;" (circular, translation from Spanish) "Phenic Acid * * * so long employed for diseases of the chest. * * * The property of coagulating the blood that this